

APPEAL NO. 020703
FILED APRIL 29, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 15, 2001. In Texas Workers' Compensation Commission Appeal No. 012953, decided January 15, 2002, the Appeals Panel remanded the case for further consideration consistent with the record evidence, noting that the hearing officer's decision and order referenced medical records not in evidence. On remand, the hearing officer determined that (1) the appellant's (claimant) post-traumatic stress disorder (PTSD) is not related to the compensable injury of _____; and (2) the claimant did not have disability from October 30, 2000, to November 6, 2000. The claimant appeals the determinations on sufficiency grounds. The carrier urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer's decision on remand accurately reflects the evidence presented in this case and corrects a prior administrative error in which the claimant's doctor was referred to as Dr. P. Upon considering the evidence before her, the hearing officer was not persuaded that the claimant's compensable injury extended to include PTSD or that the claimant had disability. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, as in this case. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **ARGONAUT MIDWEST INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH A. YURKOVICH
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Edward Vilano
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge